



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

August 17, 2022

BY ECF

The Honorable Jesse M. Furman
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *United States v. Mustapha Raji*, 19 Cr. 870 (JMF)

Dear Judge Furman:

The Government respectfully submits this letter on behalf of the parties to advise the Court that they have conferred and agreed to a schedule with respect to the exchange of certain material and information prior to and during trial. The schedule is as follows:

August 18, 2022: The Government provides notice, consistent with the requirements of Federal Rule of Criminal Procedure 16, of any experts potentially to be called during the Government's case-in-chief.

August 25, 2022: The Government provides notice to the defendant of any evidence it may seek to offer pursuant to Federal Rule of Evidence 404(b).

The defendant provides notice, consistent with the requirements of Federal Rule of Criminal Procedure 16, of any experts potentially to be called during the defendant's case-in-chief.

August 28, 2022: The Government provides to the defendant drafts of the proposed *voir dire*, jury instructions, and verdict form, which the parties intend will be submitted jointly on the schedule set by the Court.

August 29, 2022: The Government provides to the defendant a list of witnesses whom the Government reasonably expects to call in its case-in-chief. To the extent additional witnesses are identified after this date, a revised list of witnesses will be timely provided.

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The Government also provides to the defendant material covered by 18 U.S.C. 3500 and *Giglio v. United States*, 405 U.S. 150 (1972), to the extent it was not previously produced to the defendant. When new such material is generated after this date, it will be timely provided on a rolling basis.

The defendant produces to the Government all documents and evidence subject to disclosure under Federal Rule of Criminal Procedure 16(b), including, but not limited to, all substantive, non-impeachment evidence, to the extent such documents or evidence were not contained within the Government's discovery productions in this case.

August 30, 2022: The parties provide notice to each other, consistent with the requirements of Federal Rule of Criminal Procedure 16, of any rebuttal experts that either party potentially intends to call.

August 31, 2022: The Government provides the defendant a list of exhibits the Government reasonably expects to seek to introduce during its case-in-chief. This exhibit list will be subject to good-faith revisions as the Government continues to prepare its case for trial, including in response to the defendant's lists of proposed exhibits that they anticipate seeking to introduce into evidence during the Government's case-in-chief.

September 1, 2022: Proposed *voir dire*, jury instructions, and verdict form, as well as any motions *in limine* shall be filed by noon. (Dkt. No. 79.)

September 5, 2022: The defendant provides to the Government a list of exhibits that the defendant reasonably expects to seek to introduce during the Government's case-in-chief or the defendant's case. This exhibit list will be subject to good-faith revision as the defendant continues to prepare for trial.

The defendant provides to the Government a list of witnesses whom the defendant reasonably expects to call in his case. To the extent additional witnesses are identified after this date, a revised list of witnesses will be timely provided.

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The defendant provides to the Government material covered by Federal Rule of Criminal Procedure 26.2. When new such material is generated after this date, it will be timely provided on a rolling basis. Consistent with Rule 26.2(c), if the defendant intends to withhold any such material on the ground of privilege or work-product, it will provide that material to the Court for timely review.

September 6, 2022: Oppositions to motions *in limine* shall be filed by 5:00 p.m. (Dkt. No. 79.)


In addition to the schedule above, the parties have also conferred and reached agreement regarding the following issues, which are designed to narrow or moot disputes, specifically: (1) sharing any visuals or slides to be used in opening statements, at least one business day before such statements (*see* Rule F.2, Individual Rules and Practices for Hearings and Trials, Hon. Jesse M. Furman); and (2) advising the opposing party regarding (a) the next day's witnesses, in anticipated order, and (b) exhibits expected to be sought to be introduced through those witnesses, by at least 7:00 pm on the day before calling such witnesses, and the party to whom such disclosure is made will provide any objections to such exhibits as quickly as possible that evening, so that the parties may confer and then be prepared, if necessary, to raise any objections with the Court in the morning, prior to the beginning of the trial day during which the exhibits are expected to be sought to be introduced (*see* Rule F.6, Individual Rules and Practices for Hearings and Trials, Hon. Jesse M. Furman). In addition, the Government has agreed to inform the defendant on September 9, 2022, of its anticipated witnesses for the first day of trial, in anticipated order (which shall be subject to revision in light of the Government's continued preparations for trial).

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Finally, both the Government and the defendant anticipate timely agreeing to stipulations to avoid the need to call custodians of records or otherwise to authenticate evidence or the accuracy of transcripts, and the parties agree that the dates set forth herein do not alter the parties' reciprocal discovery obligations or the obligation to produce materials obtained pursuant to Federal Rule of Criminal Procedure 17(c), absent an order to the contrary.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

By: 
Jilan Kamal
Robert B. Sobelman
Assistant United States Attorneys
(212) 637-2192/2616

cc: Jeremy Schneider, Esq. (by ECF)